## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge			3. Moran	Sitting Judge if Other than Assigned Judge				
CASE NUMBER		04 C	3287	DATE	8/5/2	2004		
CASE TITLE			LOIS JONES vs. MARIAM HARRISON					
МО	TION:	[In the following box (a of the motion being pre	indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature sented.]					
MEMORANDUM OPINION AND ORDER								
DOCKET ENTRY:								
(1)	☐ Filed	Filed motion of [ use listing in "Motion" box above.]						
(2)	☐ Brief	Brief in support of motion due						
(3)	□ Ansv	Answer brief to motion due Reply to answer brief due						
(4)	☐ Rulii	Ruling/Hearing on set for at						
(5)	□ Statu	Status hearing[held/continued to] [set for/re-set for] on set for at						
(6)	☐ Pretr	Pretrial conference[held/continued to] [set for/re-set for] on set for at						
(7)	☐ Trial	Trial[set for/re-set for] on at						
(8)	□ [Ben	[Bench/Jury trial] [Hearing] held/continued to at						
(9)		This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  ☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).						
(10)								
(11)  [For further detail see order attached to the original minute order.]								
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## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

LOIS JONES,	)		
Plaintiff,	)		nackting
<b>v.</b>	)	No. 04 C 3287	AUG 6 2004
MARIAM HARRISON,	)		
Defendant.	)		

## **MEMORANDUM OPINION AND ORDER**

Plaintiff Lois Jones brought suit against defendant Mariam Harrison alleging slander, conspiracy, and civil rights violations pursuant to 42 U.S.C. § 1983.¹ On May 13, 2004, the court denied plaintiff's petition to proceed *in forma pauperis* and, on May 27, 2004, denied her motion to reconsider that decision. On August 3, 2004, she filed a motion to vacate the order of May 13 which, for the following reasons, is denied.

Setting aside any procedural defects in plaintiff's motion, she fails to present any new arguments as to why the May 13 order should be vacated. In paragraph 4 of the motion, plaintiff claims that the denial of her petition was erroneous because she stopped receiving social security benefits on March 1, 2004. As noted in the order denying the motion to reconsider, the denial of her petition was based on the merits of her complaint, not her financial status. In paragraphs 8 and 9 of this motion, plaintiff claims that defendant is not protected by absolute immunity because she is not alleging wrongdoing on the bench, but rather is alleging wrongful acts by the defendant in her personal capacity. This contention is

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<sup>&</sup>lt;sup>1</sup>For a complete discussion of the facts alleged by plaintiff, see the memorandum opinion and order dated May 13, 2004 denying plaintiff's petition to proceed in forma pauperis.

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belied by the complaint itself. As noted in the two previous orders, all of the conduct alleged by plaintiff was "pertinent to pending litigation." See McCutcheon v. Moran, 425 N.E.2d 1130 (1981). Even reading plaintiff's complaint liberally and treating all of her allegations as true, the defendant is absolutely immune from all claims.

## **CONCLUSION**

For the foregoing reasons, plaintiff's motion to vacate is denied.

JAMES B. MORAN

Senior Judge, U.S. District Court

August 5, 2004